

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Applicants thank the Examiner for the indication that claims 2, 3, 6, and 9 would be allowable if rewritten in independent form and if the rejections under 35 U.S.C. §112, first and second paragraphs, are overcome.

By this Amendment, claim 1 is amended to include the allowable subject matter of claim 2, and claim 2 is herewith canceled. In addition claim 9 is canceled as being now identical to claim 3. Furthermore, claim 6 is amended to correct a typographical error. Accordingly, claims 1 and 3-6 are pending in this application.

Regarding the rejection of claims 1-6 and 9 under 35 USC 112, first and second paragraphs, Applicants amend claim 1 to remove the "step of maintaining the frequency spectral profile" Portions of this clause are moved to the preamble.

In view of the foregoing, Applicants respectfully submit that the claims fully comply with 35 U.S.C. §112, first and second paragraphs. Accordingly, withdrawal of the rejections under 35 U.S.C. §112, first and second paragraphs is respectfully requested.

Accordingly, based upon the foregoing amendments, independent claim 1 and claims 3-6 that depend therefrom are allowable and withdrawal of the rejections thereof is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned attorney of record, to facilitate advancement of the present application.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

A handwritten signature in cursive script that reads "Kenneth M. Berner".

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